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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,676	08/31/2001	Daniel Keele Burgin	FINL-005/00US	8505
22903	7590	08/19/2004		
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			EXAMINER CHRISTMAN, KATHLEEN M	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/944,676	Applicant(s) BURGIN ET AL.	
	Examiner Kathleen M Christman	Art Unit 3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/13/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-44 is/are pending in the application.  
     4a) Of the above claim(s) 24-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08142003</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

In response to the election filed 05/13/2004; claims 24-44 are pending.

#### *Election/Restrictions*

1. Applicant's election of Invention II in the reply filed on 05/13/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). As such claims 24-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. This restriction requirement is deemed proper and hereby made **FINAL**.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 36-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 36, the limitation of "the content frame originates from a first domain and the automated support frame originates from a second domain" is not supported by the original specification. Similarly the limitation of "a first frame originating from a first domain" and a "second frame originating from a second domain" in claim 37 is not supported. The specification fails to teach that the frames may originate from different domains. There is

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no mention of domains in the specification. Claims 38-44 are rejected for their incorporation of one or more of the above through their dependencies.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 31-36, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 31, the claim generally recites a method. The limitation "data that was collected from the user in the automated help session" lacks an action. As such the limitation does not recite an actual method step and it is unclear what functionality the step is supposed to perform. Additionally the limitation "receiving automated help session initiating a live help session" is unclear. It appears that some sort of data or instruction is supposed to be received from the automated help session but this is not set forth by the limitation. Claims 31-36 are rejected for their incorporation of the above through their dependencies. Regarding claims 43 and 44, the limitation "the live help session" lacks antecedent basis. A live help session is not created in claim 37 (the claim from which these depend). However, a live help session created in claim 38. For purposes of examination the examiner has treated these claims as being dependent upon claim 38.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 37, 39, 40 and 42, as best understood, is rejected under 35 U.S.C. 102(e) as being anticipated by Brandt et al (US 2002/0130895 A1). Brandt teaches a method for providing help/support information to user including the steps of: passing a navigation event (the help signal paragraph 29) from a first frame (web page) originating from a first domain (the web file) to a second frame (the help window, paragraph 13) originating from a second domain (the instructions in the computer memory), see paragraphs 36 and 37; determining the present navigation location within the first frame using the navigation event and initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location (paragraph 31). Collecting data from the first frame that was collect from the user in the first frame and passing the received information to the second frame (claims 39 and 42) is shown in the tracking of the user actions in the web page, see paragraph 45. The web page of Brandt is by definition a content frame, as per claim 40.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 31-36, 38, 41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1). Regarding claim 31, Brandt et al teaches a method for providing support to a user including the steps of: passing a navigation event (the help signal paragraph 29) from a content frame (web page) to an automated support frame (the help window, paragraph 13); initiating an automated support session in the automated support frame, the automated help session corresponding to the navigation event (paragraph 31). Collecting content frame data that was collect from the user in the content frame and passing the received information to the automated help session (claim 32) is shown in the tracking of the user actions in the web page, see paragraph 45. Regarding claim 36, the content frame originating from a first domain (the web file) and the automated support frame originating from a second domain (the instructions in the computer memory), see paragraphs 36 and 37.

Brandt et al fails to teach receiving an initiation request for a live help session and passing the data from the automated help session to the live help session (claims 31 and 38); collecting content frame data from the user in the content frame and passing the content frame data to the live help session (claims 33 and 44); passing a command from the automated support session to the content frame (claims 34 and 41); passing the automate help session data to the content frame (claims 35 and 41); receiving data that was collected in the live help session and passing the data to the first frame (claim 43); and receiving data collected from the user in the second frame and passing the data to the live help session (claim 44).

Jawahar et al teaches on online system for providing live support to a end-user. The system teaches collecting all interaction of a user on a web page (first frame, content frame) and passing this information to the live support session in at least col. 12: 65 - col. 13:23. These features are substantially similar to the data collection and passing steps not taught by Brandt. The ability for the help session to send information to the user's computer, i.e. passing information from the help session to the content frame, is shown in col. 7: 37-40. The Jawahar et al system monitors all user interactions, which in the combination of the inventions, includes those interactions made with the automated help system of Brandt

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et al. It would have been obvious to one of ordinary skill in the art to implement the live help session features of Jawahar et al with the automated help system of Brandt et al so as to implement a convenient means for a user encountering difficulties with a web page may contact a live representative to gain assistance (Jawahar et al, background).

### ***Response to Arguments***

6. Applicant's arguments filed 08/22/2003 with respect to claims 31-44 have been considered but are moot in view of the new ground(s) of rejection.

#### **Examiner note on claim interpretation:**

The examiner notes that claims 31 and 37 have been interpreted using a correlation of the "first frame" and "second frame" of claim 37 to the "content frame" and "automated support frame", respectively, of claim 31. This correlation is used throughout the rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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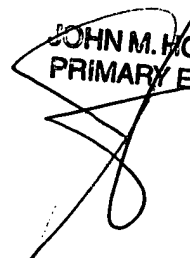
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kathleen M. Christman



JOHN M. HOTALING, II  
PRIMARY EXAMINER